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January 20, 2017

VIA ECF AND FAX

The Honorable Nicholas G. Garaufis
United States District Judge
United States District Court for the Eastern
District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Starke v. SquareTrade, Inc.*, No. 1:16-cv-07036
Request for Pre-Motion Conference

Dear Judge Garaufis:

This firm represents the Defendant, SquareTrade, Inc. ("SquareTrade"), in the above-captioned action.

We write pursuant to Your Honor's Individual Rule III(A)(2) to request a Pre-Motion Conference in this matter. SquareTrade intends to respond to Plaintiff's Complaint by filing a Motion to Compel Arbitration (the "Motion"), on the grounds that SquareTrade and Plaintiff are parties to an agreement requiring arbitration of "[a]ny controversy or claim arising out of or relating to" Plaintiff's SquareTrade Protection Plan, the marketing, sale, and administration of which are challenged by the Complaint. *See* Dkt. No. 1 Ex. 2 § 15.

Further, under Your Honor's Individual Rule III(A)(3), we write to request an extension of time to respond to the Complaint. SquareTrade's deadline to so respond is currently February 2, 2017. *See* Dkt. No. 7 (Order on Stipulation Adjourning Time to Answer).

Finally, Magistrate Judge Pollak has set a Scheduling Conference in this matter for February 17, 2017 (requiring the parties to confer under Fed. R. Civ. P. 26(f) on or before January 27, 2017). Given SquareTrade's intent to file the above-referenced Motion which, if granted, would fully dispose of this action, we believe that holding a scheduling conference and the accompanying Rule 26(f) meet-and-confer would be more



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fruitful after disposition of the Motion. Accordingly, we respectfully request that those deadlines be held in abeyance until that time.

We are happy to conduct a Pre-Motion Conference at the Court's convenience and look forward to speaking with Your Honor.

Respectfully,

/s/ Douglas A. Winthrop
Douglas A. Winthrop

cc: Counsel of Record (via ECF only)